IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE FOURTEENTH DAY OF JUNE
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE V.V.S.RAO

-

WRIT PETITION NO: 8349 of 2005

Between:

Mohd. Khaja Moizuddin, S/o. Sri Mohd. Khaja Moinuddin,
r/o. H.No. 16-9-581, Old Malakpet, Hyderabad.

.... PETITIONER

AND

1 The Andhra Pradesh Wakf Board, Hyderabad rep by its

Chief Executive Officer, Haji Complex,Nampally,

Public Garden Road, Hyderabad.
2 Sri Syed Ali Azgher, S/o Late Sri Syed Mohaboob, Ali
H.No. 16-9-586, Old Malakpet, Hyderabad.
3 Sri Yosuf Saleem, s/o. Khursheed Saleem,
H.No. 16-9-612/3, Old Malakpet, Hyderabad.

...RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue an appropriate Writ, order or direction more particularly in the nature of Writ of Mandamus in action more particularly in the nature of Writ of Mandamus in action of the respondent No. 1 herein against the respondents 2 and 3 herein if the Managing Committee of the Wakf Property of Old Malakpet Masjid Qutub Shahi, Malakpet, Hyderabad and not to appoint them as office bearers of the said Managing Committee since 3-12-2004 onwards is illegal, arbitrary under sections 18, 27, 32 and 67 of the Wakf Act and Art. 14 and 21 of the Constitution of India and to pass such other and further orders as this Hon'ble Court may deem fit and proper in the Circumstances of the case.

Counsel for the Petitioner: MR.M.T.GHORI

Counsel for the Respondent No.1: MR.A.M.QURESHI (SC FOR AP WAKF

BOARD)

The Court made the following:

ORDER:

The petitioner filed the writ petition praying for a writ of Mandamus directing the first respondent to appoint a Managing Committee of Wakf property of Old Malakpet, Masjid Qutub Shahi, Malakpet, Hyderabad, and also for declaration for respondent Nos.2 and 3 herein are not entitled to be appointed as members of such Managing Committee.

When the miscellaneous application filed by respondent Nos.2 and 3 for vacating the interim order passed by this Court on 26.04.2005 is taken up for consideration, the learned Standing Counsel for the first respondent, Sri.A.M.Qureshi, has placed before this Court the proceedings of the Chief Executive Officer of the first respondent bearing No.82/Hyd.CityI/K/03, dated 02.06.2005, wherein the first respondent appointed the Managing Committee of wakf property of Old Malakpet, Masjid, Qutub Shahi consisting of 11 members including the President, Vice President, Secretary, Joint Secretary and Treasurer. In that view of the matter, the cause of action does not survive. If any person including respondents 2 and 3 or the petitioner is aggrieved by the proceedings of the Chief Executive Officer, it shall be open to them to challenge the same before the A.P.Wakf Tribunal under Section 83(2) of the Wakf Act, 1995.

The writ petition, without expressing any opinion with regard to intrinsic rights of the petitioner as well as respondents 2 and 3, is dismissed as infructuous. No costs.

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(V.V.S.RAO, J)

14.06.2005

vs

To

1 The Chief Executive Officer, Andhra Pradesh Wakf Board

Haji Complex,Nampally,Public Garden Road, Hyderabad.
2 2 CD copies.